



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

August 30, 2022

BY EMAIL

The Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *United States v. Ofer Abarbanel*, 21 Cr. 532 (LAK)

Dear Judge Kaplan:

The parties jointly request that the plea proceeding for in the above-captioned case, which this Court has referred to Magistrate Court, proceed by phone or videoconference. Under the CARES Act, a plea proceeding may take place by video- or teleconference, with the consent of the defendant and a finding by the district court judge that further delay of the proceeding will result in serious harm to the interests of justice. *See also* Standing Order, 20 Misc. 176. In this case, the defendant not only consents to proceed remotely, but prefers to proceed remotely due to the health of a family member with whom he lives, which could be negatively impacted should the defendant contract or be exposed to the coronavirus while traveling between his home in California and New York for the plea proceeding.

Moreover, the parties jointly submit that further delaying the plea proceeding would result in serious harm to the interests of justice. First, the age of the conduct counsels against further delay. The defendant was indicted approximately a year ago, and trial in this case would otherwise be held in January. Second, the defendant's, the Court's, and the victim's interest in bringing finality to this case also counsels in favor of proceeding now, particularly as the otherwise applicable motion schedule is currently being held in abeyance. Third, the general interest in docket management and proceeding with cases in order to relieve future congestion in the courts warrants proceeding with the plea here.

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Accordingly, the parties respectfully request that the Court sign the enclosed proposed Order to allow the plea proceeding to occur in Magistrate Court by telephone or videoconference under the CARES Act.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

By: /s/ Allison Nichols
Allison Nichols
Assistant United States Attorney
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Cc: Glen McGorty, Esq., attorney for Ofer Abarbanel

Enclosure